

# Wishes and Feelings

## Guidance for practitioners



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# My Needs, Wishes and Feelings

It's essential that the decisions made in the family court take into account the detailed needs, wishes and feelings of the child, but this sometimes doesn't happen.

This practice model provides a framework to ensure that children's needs, wishes and feelings are always explored, and supports children to express themselves and to be more actively involved in the whole family court process.

# Why, when and how to use this model

This practice model allows the family court to take into consideration the needs, wishes and feelings of an individual child or young person. One set of forms has been designed for older children and one for younger children, but you can decide which to use depending on the child's developmental needs.

This model promotes the analytical approach to assessing information shared by the young person and ensures the young person's own analysis is not minimised in the process. It is intended to be concise and relevant to the issues considered.

My Needs, Wishes and Feelings can be filed in court, sometimes in its own right, sometimes alongside a report. It can also be a valuable record for the young person of their contribution when they reflect on this in later life.

Recent HMICA inspection reports have raised questions about the way in which we facilitate and involve children and young people in our work and in the family court process. This model of practice would effectively enable a young person to participate in his or her own case planning process.

Several groups and organisations were consulted during the development of this practice model, including:

- Cafcass Young People's Board
- Cafcass and FJC Young People's Forum
- Cafcass Children's Rights Champions
- Commission for Social Care Inspection
- National Children's Bureau
- Children Law UK
- Shaftesbury Home.

For further information about My Needs, Wishes and Feelings, please contact the Children's Rights team.

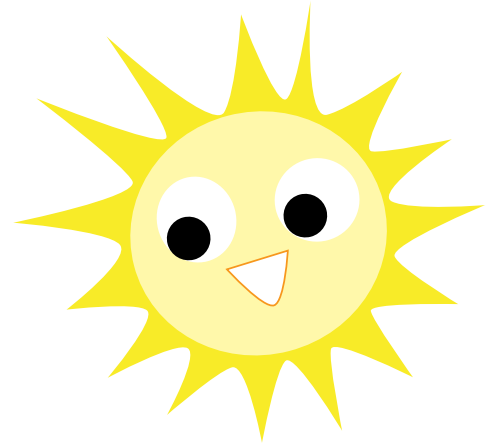
## Legal framework

My Needs, Wishes and Feelings is a model that, although practice-based, is underpinned by legislation, case law and international conventions, including:

- **Children Act 1989**
- **United Nations Convention on the Rights of the Child 1989**
- **European Convention on the Exercise of Children's Rights 1996**
- **Human Rights Act 1998**
- **Case law, eg Mabon v Mabon (2005) EWCA Civ 634.**

More detailed information on the legal framework can be found on the intranet.

**NB:** Throughout this guidance the terms 'child', 'children', 'young person' and 'young people' are sometimes used interchangeably to refer to children of all ages up to 17.



## Confidentiality

Research has indicated that children and young people have serious misunderstandings about the role of a Family Court Adviser (FCA) and the issue of confidentiality. In one study, none of the children involved knew that what they said to the FCA would be included in a report to court and that their parents would know about it.

The general position in relation to confidentiality is the same for young people as it is for adults. As an FCA, you cannot promise to keep information you are given confidential – because you may have to disclose it in accordance with your duty to the court, for the protection of a child or as a result of a legal obligation (eg a witness summons).

In exceptional cases, you can ask the court to withhold information provided to you by a young person from one or more parties to the proceedings if you are satisfied that there is a high probability that the welfare of the child requires it. More information on this is provided on the intranet.



### When should My Needs, Wishes and Feelings be used?

This model is intended for use in both private and public law proceedings. The practitioner and the child can decide which forms to use, depending on the needs of the child. My Needs, Wishes and Feelings can be used in the following ways:

- filed as a Section 7 report, using the report template and My Needs, Wishes and Feelings forms in this pack
- filed as a Children's Guardian report, using the report template and My Needs, Wishes and Feelings forms in this pack
- as part of a Guardian ad litem Rule 9.5 report
- as part of a Family Assistance Order report, using My Needs, Wishes and Feelings as an attachment
- as a 'Wishes and Feelings' statement on behalf of the young person, when this is specifically requested by the court
- within Extended Dispute Resolution
- as a source for discussion, alongside other tools.

My Needs, Wishes and Feelings is, therefore, a tool to help young people express their views to a judge, if they wish to do so.

The young people who supported the development of My Needs, Wishes and Feelings felt that this approach creates an environment of participation and enables young people to make a visible contribution to the reporting process to court.

The young person can be the author of a significant part of this process and should be told that the judge who will make decisions affecting his or her life will see the information.

The forms for older or younger children can be moulded to the requirements of the court to fully address the needs, wishes and feelings of the young person. We must ensure that we fulfil our responsibility under Article 12.2 of the United Nations Convention on the Rights of the Child to represent the child's views and help the court to determine what weight to place on them. We need to fully take into account the needs, wishes and feelings of the young people concerned in the overall analysis we provide for the court.

A 'Wishes and Feelings' statement on its own does not offer sufficient insight into the young person's needs in relation to all aspects of their welfare. This model helps us to move further forward and to be more accountable in addressing the needs of the young person, as expressed by them, alongside the practitioner's analysis and comment. This conforms to the Cafcass National Standards, especially 4 (active intervention and case management) and 5 (children's active involvement).

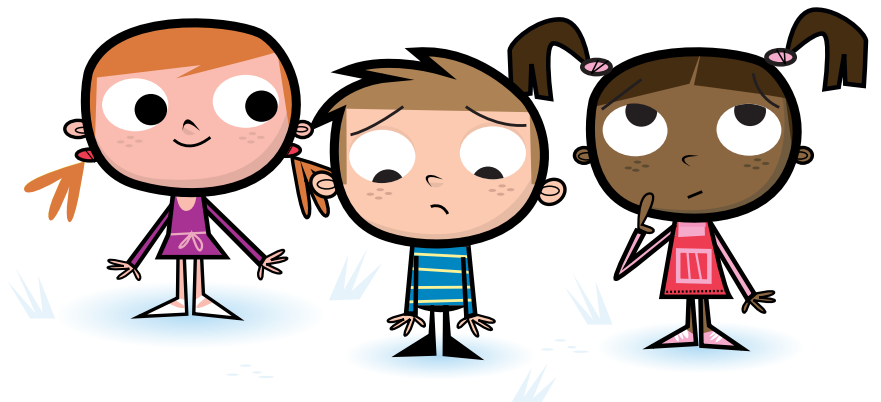
Legal advice is that if My Needs, Wishes and Feelings has been prepared, the court has the power to order that it is disclosed, even if the child objects. Both the views of the child and the practitioner will be a factor in whether or not the documents are filed/served, but other factors will also be taken into account.

### How should My Needs, Wishes and Feelings be used?

Children and young people are a diverse group of individuals and they communicate their needs, wishes and feelings in different ways.

We need to communicate in a way that encourages and enables young people to participate in the assessment and analysis process. Using age appropriate and inclusive ways of communication is vital to enable the young person to take part in the process of planning for their present and future needs.

My Needs, Wishes and Feelings has been developed for use with children who are able to express their views. The child's willingness and ability to contribute to such a practice model must be evaluated; their stage of development, as opposed to their age, is the key consideration.



This practice model is intended to be used alongside other innovative tools, eg computer assisted programs such as *In My Shoes* and *Listening to Young Children*. Turn to page 18 for a list of resources for engaging with children.

Children can also be assisted to contribute to a written process through other creative processes, eg drawings, clay modelling, games, music, drama, storytelling and play. Following such interactive activities, children can share their views, which can be included to inform the analysis and proposed intervention.

Form 1 of My Needs, Wishes and Feelings is an age appropriate way for young people to confirm their understanding of the report and could be completed with them at the end of the assessment process.

My Needs, Wishes and Feelings can, therefore, help them to understand the next stages of the family court process. They will also have a visual and reliable record of their contribution.

### Young person's analysis

Intervention and analysis within My Needs, Wishes and Feelings must always consider the impact of the child's emotions within their existing relationships and social and physical environment. This consideration can be usefully developed further through the use of the *In My Shoes* computer assisted interview tool.

Links that should always be taken into consideration within the young person's analysis are signposted in the diagram on the opposite page. The emphasis and attention that is placed on each of these areas within the reporting process will be dependent upon the specific circumstances of the case.





When engaging with children, it is essential that we can demonstrate how our contribution has promoted the outcomes of *Every Child Matters*, and added value to what others may be doing already. The desired outcomes of *Every Child Matters* are:

- be healthy
- stay safe
- enjoy and achieve

- make a positive contribution
- achieve economic well-being.

Listening to children is not just an end in itself (although obviously being listened to is very helpful to children). It is also one of the main ways through which we seek to improve the outcomes for children in family proceedings.

# Areas for consideration when working with children and young people

Children and young people have a right to know about and understand issues affecting them in the family courts. Practitioners have a right to be supported and trained to know how best to communicate about those issues.

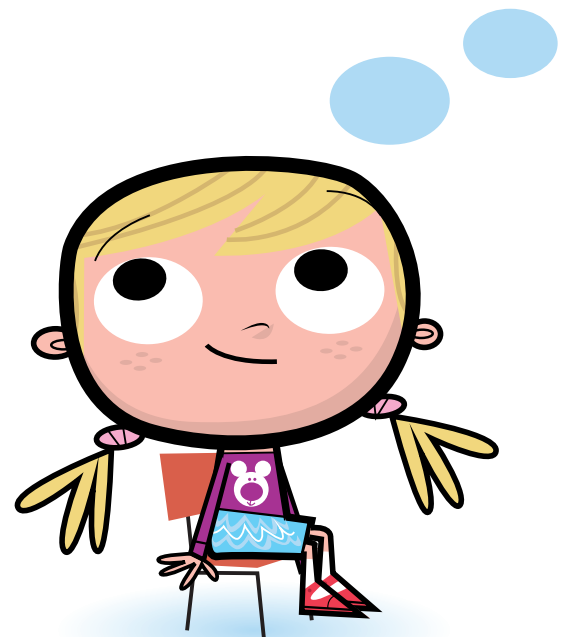
It is our duty to provide opportunities for children to communicate in a way they feel at ease with. Practitioners should encourage the use of My Needs, Wishes and Feelings, but it is important that children are not coerced into using it.

We need to rethink how we relate to children. Every child, whatever their age, has a story to tell. How this story is understood is not dependent on the age of the teller, but rather on the sensitivity of the listener.

Children and young people are at different stages of development: cognitively, socially, physically, culturally and spiritually. With skill, the circumstances of each individual child can be understood, analysed and shared with the child.

To do this effectively, children and young people need to be seen and treated with respect and as experts about their own lives.

Finding the right setting to facilitate communication with a child or young person should be discussed with the young person and options should be openly considered.



## Interview planning

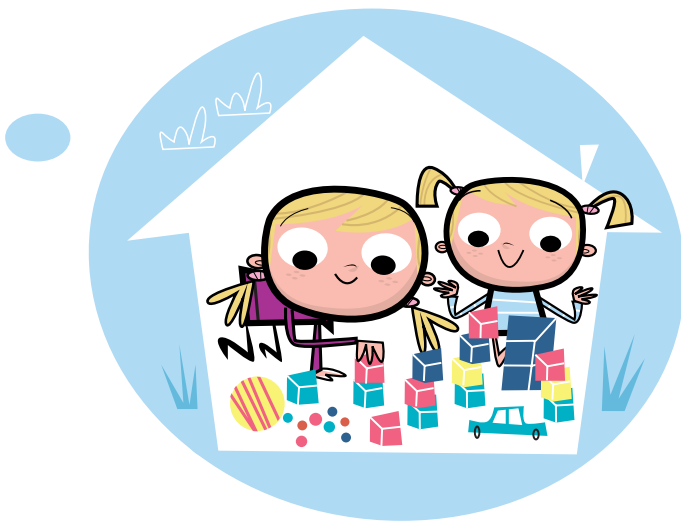
Interviews with young people about complex issues require good advance planning in order to explore the key issues and deliver the required outcomes and information.

The planning process should include:

- a review of the child or young person's understanding
- the aims and purpose of the session – what you are seeking to achieve
- the site of the meeting
- the resources needed to facilitate the communication process
- the length of interview.

It is also important to plan how to address the young person's individual needs and concerns:

- Consider that the child or young person may be apprehensive about meeting with you.
- Significant issues relating to their health or disability should be openly discussed to avoid assumptions and lack of recognition of their needs. Reflecting back to the young person your acceptance of their values and individuality is important.
- Remember, the young person is usually best placed to convey their religious, cultural and social needs. Aim to support the young person's sense of identity through the conversations you have with them.
- Older children's concerns about confidentiality may need to be addressed early so that they understand the 'rules' of any discussion, ie will it be recorded? Will it be shared? If so, how, when and in what form?



Good preparation for interviews provides better outcomes for children and young people. Working with **SMART** objectives can help to ensure that meetings are:

**S**pecific in focus. This helps children and young people to focus more clearly on their own needs.

**M**easurable in terms of what you wish to achieve through any single meeting or interview.

**A**rticulated in a way the young person can understand, so they can engage in the process.

**R**ealistic about what is achievable.

**T**ime-limited so the process is clear to the young person and the practitioner. This minimises the potential negative impact, particularly from lengthy, unfocused interviews.



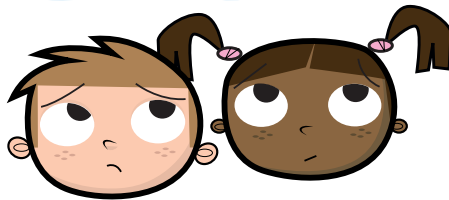
The best interests of the child or young person should always be the core principle of any interview, which aims to understand their unique experience. When promoting the active engagement of the young person at an initial

meeting, an evaluation needs to be made of their stage of development rather than simply their chronological age. Their preferred way of engaging with you will also be a topic for discussion at the first meeting.

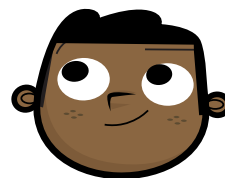
The following considerations are positive qualities highlighted through research in practice by young people and professionals:

- Develop trust and a rapport through non-intrusive questions. At this initial meeting you need to establish a working relationship with the young person and engage their interest. This will also be an opportunity to discuss ground rules for the interviews to follow.
- Give the young person a good introduction to your role and duties to them, their family and the court – an introduction that empowers their contribution to issues directly affecting their lives. A fact sheet about My Needs, Wishes and Feelings is available in this pack.
- Consider how you could make the child more comfortable. Do they need additional emotional, physical or financial support? Children and young people need good support, and the right type of support, to make good decisions.
- Understand their diversity needs, plus their interests and activities. For example, use open-ended questions to give them the opportunity to share their identity, race and other diversity issues.

**“We don’t know what you can do for us and how it is different from what the social worker or solicitor does”**



**“Being a Muslim I wanted to go to mosque but no one could help me find out how”**



- Consider questions that promote the child's safety.
- Promote openness and transparency of information. Share your way of achieving this. Discuss how you will gather, record and share information. Let the child know how and when you plan to do this. Share My Needs, Wishes and Feelings as one of the ways that you will help them tell their story.



- Help children and young people to share their perspective at their own pace and in their own way. If a young person starts giving an account of their concerns, it would not be appropriate to stop or discourage them whilst they are spontaneously sharing their thoughts and feelings.

- It is important to remember that an interview is a two-way process.
- Explain to the child or young person how certain potential outcomes will lead to certain effects and changes in their lives.
- Consider how their views may sometimes be in conflict with your risk analysis.
- Explain how risk factors can affect the range of options available to children and young people.



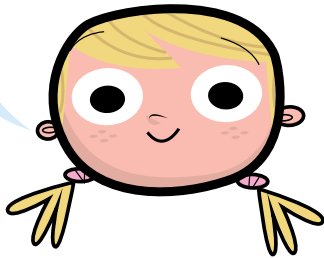
- Consider the outcome of the safeguarding checks and, if appropriate, arrange a meeting to consider the information. Young people need to know the relevance of this discussion to the plan.
- Analyse the information given by the child regularly and identify their worries.

## Subsequent meetings

At times, the considerations for subsequent meetings may be the same as for the first meeting. The following additional considerations were highlighted through research in practice by young people and professionals:

- Use My Needs, Wishes and Feelings to facilitate discussion and involve the young person in the process.

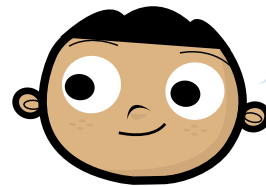
*"Let us speak for ourselves if we can"*



- Give the child or young person the opportunity to tell us their story, their way.

- Go over the information given to children and young people to ensure they understand it.
- Give them the opportunity to ask you questions.
- Recognise their individuality and endeavour to understand their views and feelings on all issues, not just their plans.

*"Don't use words we can't understand... listen to what we say"*



- Pick up on issues of significance to their world and their relevance to the child's immediate and future needs.
- Always consider verbal and non-verbal information given by the child alongside that given by other parties and professionals.

- Promote openness and transparency of information. Discuss whether the child would like a request to be made for him or her to attend court. Talk about the way you intend to record their views in the report and their active participation in the process.
- Be open and share your views. Share relevant evidence from other parties to help them consider the views of others about their circumstances. This helps them to develop their own views.
- Analyse the information given by the child regularly and identify their worries and the impact upon their short and long-term future.
- The child may find a brief, written summary of the key points of your discussion helpful.





## Final stages

Closing the interview is a vital part of the two-way communication process. It serves to turn the child's attention to the next steps of their life. At the end of each meeting, practitioners should convey appreciation and empathy, as appropriate.

Giving the child contact details for further sources of help and support, where appropriate, should be part of the final ending process. The child or young person should be asked if they wish to raise any other issues whilst being realistic about our limited capacity for follow-up.

**"Sometimes we only hear about what others thought much later and sometimes not at all"**



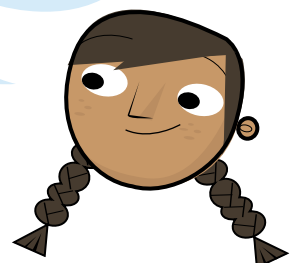
## References

*Communicating with Vulnerable Children: A Guide for Practitioners* (2003), Dr D Jones  
*The Voice of the Child in Public Proceedings: A Developmental Model* (2003), Dr Gillian Schofield

Bear in mind the following considerations.

- Inform them of parties' views.
- Explain how you plan to share the young person's views.
- Explain how the report they have worked on will inform the decision.
- Discuss who will inform them of the outcome and how information will be shared, ie in writing and verbally.
- Explore with the child or young person any additional support that may be needed to implement their case plan.
- Discuss the options available to them if they have concerns about the implementation of their plans.
- Discuss with the young person what they thought about the service provided by Cafcass.
- The child may find a brief, written summary of the key points of your discussion helpful.

**"Ask us what we think about the service you gave us"**



# Resources for engaging with children and young people

## In My Shoes (2006)

R Calam, A Cox, D Glasgow,  
S Groth Larsen and P Jimmieson  
[www.childandfamilytraining.org.uk](http://www.childandfamilytraining.org.uk)

### Summary

*In My Shoes* is a computer package that helps children and vulnerable adults communicate about their experiences, including potentially distressing events or relationships. Extensive testing has shown it can be used in a wide range of circumstances, including interviews with children who may have been abused, have difficulties in expressing emotions, are hard to engage or have developmental delay or other difficulties. It has been used successfully during interviews with learning-disabled adults.

## Listening to Young Children (2003)

Penny Lancaster and Vanessa Broadbent,  
Coram Family

### Summary

The pack provides a conceptual framework for listening to young children. The key principles embedded in each of the elements of the resource are inclusion, participation and support. There is a 20-page professional development handbook, *Listening and Looking* included.

It also comes with a helpful CD ROM and audio visual material, plus a booklet containing eleven case studies about children's experiences, using creative design, problem-solving and exploring feelings.

## I'll Go First (1999)

Lucy Kirkbride, Children's Society

### Summary

This planning and review toolkit for use with children with disabilities includes stickers and illustrated boards.

The good practice guide included provides comprehensive guidance on how to use the pack. It covers practical aspects of organising sessions with children and different approaches.

Building relationships and enabling children with disabilities to communicate is a specialised skill and the guide provides practical advice on how these children's views can be recorded and presented.

### Boardmaker software

Mayer-Johnson  
[www.mayer-johnson.com](http://www.mayer-johnson.com)

#### Summary

*Boardmaker* creates printed symbol-based communication materials. The software features over 4,000 Picture Communication Symbols and over 40 languages.

### 'Say it your own way' Children's participation in assessments (2006)

Barnardo's/DfES

#### Summary

A printed guide and CD ROM of practical resources to support professionals to give children a voice in assessment processes.

### The Therapist's Toolbox (2001)

Susan E Carrell

#### Summary

*The Therapist's Toolbox* is a time-saving and cost-effective manual full of techniques for enhancing therapeutic intervention with service users.

### Preventing Breakdown (2005)

Mark Hamer

#### Summary

*Preventing Breakdown* is a 'how-to' book. It explains how you can create an environment where families can exploit their potential to develop and protect their children. It offers tools and ideas that will guide workers into building on the family's strengths and self-efficacy, developing family pride, a focus on solutions and a determination to succeed.

### Draw on Your Emotions (2005)

Margot Sunderland and Philip Engleheart

#### Summary

Creative ways to explore, express and understand important feelings.

Contact the Library and Information Service (accessible via the icon on your desktop) for more information about these resources.



# Principles of good practice for working with children and young people

The following principles were developed in collaboration with 200 young people.

- 1 Children are people and have the same human rights as adults.
- 2 Children are individuals with unique characteristics and experiences, which should be valued.
- 3 All staff have a responsibility to respect and promote children's active participation with the service at any stage of service delivery.
- 4 Children should be consulted about the arrangements when they receive a service from Cafcass. They should be allowed to communicate in ways that are best for them.
- 5 Children have a right to make contact directly with their practitioner whilst their case is open.
- 6 Every child should be encouraged to raise any concerns that they have and they should be offered assistance to make a complaint if they want to.
- 7 Children should always be seen and given opportunities to express their wishes and feelings.
- 8 Children have a right to know what is recorded about their wishes and feelings.
- 9 Children have a right to know who we will share the information with.
- 10 Children should know what the practitioner will recommend.
- 11 Children should know the outcome of any proceedings involving them.
- 12 All children have the same rights, regardless of their ability, their sex or their ethnic background.
- 13 Children and young people have a right not to participate in difficult decisions that affect their lives.



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